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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,815	12/07/2001	Romel Aminch	042933/301642	7745
826	7590	07/24/2007	EXAMINER	
ALSTON & BIRD LLP			DANG, HUNG Q	
BANK OF AMERICA PLAZA			ART UNIT	
101 SOUTH TRYON STREET, SUITE 4000			PAPER NUMBER	
CHARLOTTE, NC 28280-4000			2612	
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			07/24/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/004,815	AMINEH, ROMEL	
	Examiner	Art Unit	
	Hung Q. Dang	2612	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 4/19/2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,6-8,11-17 and 19-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13 is/are allowed.
- 6) ☒ Claim(s) 1,12,14-17 and 19-26 is/are rejected.
- 7) ☒ Claim(s) 6-8 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) ✓            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)     | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) ✓ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This communication is in response to application's amendment dated 4/19/2007. The amendment of claims 1, 12, 14, 16 and 19-26; and the cancellation of claims 2-5, 9, 10 and 18 have been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 6, 11, 12, 14-17, 19-23, 25 and 26 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 12, 14-15, 16-17, 19-23 and 25-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Laurikka et al. U.S. patent 6,608,996.

**Regarding claim 1**, Laurikka et al. teaches a communication unit (abstract and figure 3, unit 7) including a display (Figure 3, unit 9), a user interface (Figure 3, unit 11) separate from the display and a digital control (column 2, lines 31-38; a "control signal" implies the existence of a digital control), including intra-changeable elements (Figure 1,

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unit 3b; and column 4 line 45 to column 5 line 15) controlled by said digital control, said intra-changeable elements being defined by having a physical characteristic that is changeable (change in color pattern of the cover) responsive to said digital control, wherein said intra-changeable elements are configured to provide an output responsive to messages generated external to the communication unit and received at said communication unit and wherein said intra-changeable elements are used in the user interface of said communication unit (column 4 line 45 to column 5 line 15).

**Claims 16 and 17** are rejected for the same reasons as the rejection of claim 1.

**Regarding claims 12, 14 and 20-21**, Laurikka et al. also teaches a method for inputting of data to a communication unit (Figure 4, unit 7) provided with a display (Figure 4, unit 9), a user interface (Figure 3, keyboard 11) separate from the display and comprising a keypad wherein individual keys of said keypad are changeable to provide a sensory indication of the keys available to make the communication unit perform an action by pressing said changeable keys, and that change of individual keys is performed by having intra-changeable elements in said individual keys (column 6, lines 29-36), wherein the method comprises providing an output via the intra-changeable elements responsive to messages generated external to the communication unit and received at said communication unit (column 6, lines 21-44).

**Regarding claim 15**, the changeable characteristic of the changeable elements disclosed by Laurikka et al. is also change in color (column 6, lines 21-44).

**Claim 19** is rejected for the same reasons as the rejection of claim 12. The physical deformation in this case is key pressing.

**Claims 22 and 23** are rejected for similar reasons as the rejection of claim 12.

The input device in this case are the input keys; and the output device in this case is the caller group (column 5, lines 33-42).

**Claims 25 and 26** are rejected for similar reasons as the rejection of claim 12.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Laurikka et al. U.S. patent 6,608,996.

**Claim 24** is mostly rejected for similar reasons as the rejection of claim 12. Even though, Laurikka et al. does not specifically mention that the input device is a four-way-scroller, however, the examiner takes official notice that four-way-scroller switch has been commonly used in input devices. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a four-way-scroller switch to the input device disclosed by Laurikka et al.

***Allowable Subject Matter***

7. Claim 13 is allowed.

The following is a statement of reasons for the indication of allowable subject matter:

**Regarding claim 13**, the reasons for allowance of claim 13 has been indicated in the previous office action.

8. Claims 6-8 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Regarding claim 6**, the prior arts of record fail to teach or disclose the communication unit claimed in claim 1, wherein said intra-changeable elements are compressible and expandable.

**Regarding claim 7**, the prior arts of record fail to teach or disclose the communication unit claimed in claim 1, wherein said intra-changeable elements are piezo-electrical elements.

**Regarding claim 8**, the prior arts of record fail to teach or disclose the communication unit claimed in claim 1, wherein said intra-changeable elements are elasto-resistive materials.

**Regarding claim 11**, the prior arts of record fail to teach or disclose the communication unit claimed in claim 1, wherein said intra-changeable elements are included in both an input and an output device of said communication unit.

**Conclusion**

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is (571) 272-3069. The examiner can normally be reached on 9:30AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on (571) 272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hung Q Dang  
7/17/2007  
H.D.

H.D.

  
BRIAN ZIMMERMAN  
PRIMARY EXAMINER